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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/500,651	12/15/2004	Andreas Hiller	710.1004	6483

7590 03/21/2007
Davidson Davidson & Kappel
485 Seventh Avenue
14th Floor
New York, NY 10018

EXAMINER

NGUYEN, THU V

ART UNIT	PAPER NUMBER
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3661

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/21/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/500,651	Applicant(s) HILLER ET AL.	
	Examiner Thu Nguyen	Art Unit 3661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 14-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>7/2/04 & 1/22/07</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The preliminary amendments filed on July 2, 2004 and December 15, 2004 have been entered. By the second preliminary amendment, claims 1-13 have been canceled, claims 14-27 have been added and claims 14-27 are now pending in the application.

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 14-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scurati (US 5,589,827) in view of Kiendl et al (DE 199 03 909) (enclosed IDS).

As per claim 14, Scurati discloses a method for communicating with a following vehicle traveling in a sequence of vehicles, the method comprising the steps of: collecting journey profile data by a vehicle traveling ahead in the sequence, the journey profile data including at

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least data permitting determination of the travel time for a route component between a first and a second position on the journey route (col.9, lines 10-15); and transmitting journey profile information including the journey profile data using vehicle-to-vehicle communication from the vehicle traveling ahead to a receiving following vehicle (col.9, lines 10-15). Scurati does not explicitly teach calculating a journey time in the vehicle collecting the journey profile data for a route including the route component from the journey profile data, however, Kiendl teaches calculating a journey time in the vehicle collecting the journey profile data for a route including the route component from the journey profile data (col.9, lines 7-22 (page 10, first paragraph of the enclosed translation)). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to include calculating a journey time in the vehicle of Scurati as taught by Kiendl in order to informing the following vehicle expected travel time the following vehicle is expected to travel on the same road segment the leading vehicle is traveling.

As per claim 15, Scurati teaches that the second position is the current position of the following vehicle and the first position is a location on the journey route ahead of the following vehicle (col.9, lines 20-50).

As per claim 16, the first and second positions have fixed distances (col.9, lines 15-19).

As per claim 17, Scurati teaches transmitting further journey data to a further following vehicle (col.35-50), and Kiendl teaches including the journey time to the transmission message (col.9, lines 7-22). It would have been obvious to include the journey time taught by Kiendl to the method of Scurati in order to continue providing information on journey time to the further

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following vehicle so that the further following vehicle can expect the time required to travel to reach the second position.

As per claim 18, Scurati teaches restricting the journey information to a specific radius around the transmitting or receiving vehicles (col.9, lines 40-50).

As per claim 19, Scurati teaches that the radius is determined by chronological accessibility (col.9, lines 43-50).

As per claim 20, Scurati teaches that the journey information is an overall journey information and a further journey information received from another vehicle traveling ahead in the sequence (col.9, lines 31-35). Moreover, Kiendl suggests including the journey time information ((col.9, lines 7-22), accumulating the journey data using the journey time received from another vehicle traveling ahead and the journey time needed of the current vehicle would have been obvious to an ordinary person skilled in the art in order to determine the total journey time the current vehicle needs to travel to arrive at the second location.

As per claim 21, Kiendl teaches that the transmission of the journey profile information by the vehicle traveling ahead is triggered by predefined journey section boundaries being reached (col. 13, second-third paragraph) (page 14, last paragraph of the enclosed translation)).

As per claim 22, Kiendl teaches that the transmission of the journey profile information by the vehicle traveling ahead is triggered by reception of a journey information inquiry (page 4, 2nd -3rd para of the enclosed translation).

As per claim 23, Scurati teaches that the journey information inquiry is transmitted by one vehicle to the vehicle traveling ahead in the sequence, and the vehicle traveling ahead in the sequence transfers the journey information inquiry to a further vehicle traveling ahead, this step being repeated until the journey information inquiry has been transferred to a frontmost vehicle traveling ahead, the frontmost vehicle traveling ahead having already reached a destination specified in the journey information inquiry or having already reached a next journey section boundary (col.9, lines 20-50).

As per claim 24, Scurati teaches information obtained by accumulating information obtained from preceeding vehicles (col.9, lines 10-26). Moreover, Kienzl suggests including the journey time information ((col.9, lines 7-22), accumulating the journey data using the journey time received from another vehicle traveling ahead and the journey time needed of the current vehicle would have been obvious to an ordinary person skilled in the art in order to determine the total journey time the current vehicle needs to travel to arrive at the second location.

As per claim 25, determining travel time for alternative routes in order to select the most optimum route would have been well known in navigation. One of ordinary skill in the art would have found it obvious to add to the method taught by Scurati with the old and well known steps of determining travel time for alternative routes because including the step is known to facilitate selection of optimal route to travel when shortest journey time is a preference of the user.

As per claim 26, refer to claim 14 above.

As per claim 27, refer to claims 14 and 20 above.

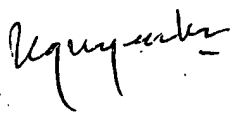
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Nguyen whose telephone number is (571) 272-6967. The examiner can normally be reached on T-F (7:30-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on (571) 272-6956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

March 16, 2007


THU V. NGUYEN
PRIMARY EXAMINER